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The Separation of Church and State in America

By

DR. CHARLES CLAYTON MORRISON

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Only a few weeks before the delivery of this address at Buffalo, New York, the press of the country carried the announcement that Dr. Morrison had retired as Editor of *The Christian Century* after thirty-nine years in that capacity, and would henceforth continue as Contributing Editor. When he bought *The Christian Century* at a sheriff's sale in 1908, it was a struggling denominational paper representing the Disciples of Christ. Its circulation was almost negligible and it was hardly known outside the borders of its own denomination. On retiring, Dr. Morrison left as his achievement an undenominational weekly which circulates throughout the whole of Protestantism, among the leaders of liberal Judaism and in many Roman Catholic circles. Church leaders in Canada and Great Britain and on all continents around the world are among its subscribers. No other religious journal is so widely quoted. It is frequently referred to as "the most influential organ of opinion in world Protestantism."

The Christian Century, under Dr. Morrison's leadership has won this unique position by virtue of the intelligence, independence and vigor with which its editorial views have been presented. It has insisted that Christianity is responsible for the character of civilization, and therefore that church journalism must deal in forthright fashion with the political and social, as well as the moral, religious and ecclesiastical issues which confront modern society. Among many other issues, Dr. Morrison has, through *The Christian Century*, insisted upon maintaining the historic American tradition of separation of church and state.

Before entering religious journalism, Dr. Morrison had been a minister of the Disciples of Christ, serving churches in Iowa, the First Church of Springfield, Ill., and the Monroe Street Church, Chicago. He is a graduate of Drake University and was a fellow in philosophy at the University of Chicago. Honorary degrees of Doctor of Divinity, Doctor of Laws, Doctor of Letters have been conferred upon him by numerous universities and theological schools. For fifteen years he has been Professorial Lecturer on Public Affairs in Chicago Theological Seminary (Congregational).

Dr. Morrison has delivered the Rauschenbusch Lectures at Colgate-Rochester Theological Seminary, the Earl Lectures at Pacific School of Religion, the Southworth Lectures at Andover Newton Theological Seminary, the Lyman Beecher Lectures at Yale University. He has written many books, among them *The Outlawry of War*, *The Social Gospel* and the *Christian Cultus*, and *What Is Christianity?* It is announced that a new book by him, *Can Protestantism Win America?* will come from the press shortly. In 1929 he founded and continues to edit *The Pulpit*, a monthly periodical especially for ministers. In 1934 he founded and for four years edited *Christendom*, a quarterly review now published by the American section of the World Council of Churches.

BECAUSE of the widespread interest in the problem of the separation of church and state in America, Dr. Charles Clayton Morrison, formerly editor of *The Christian Century*, Chicago, Illinois, was invited to deliver an address on this subject at the International Convention of Disciples of Christ, Buffalo, New York, on July 30, 1947.

In order to make this timely message available to the entire constituency of the International Convention and others interested in this critical problem it was voted by the Convention to print this address in pamphlet form for general distribution.

GAINES M. COOK, *Executive Secretary*
International Convention of Disciples of Christ.

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THE SEPARATION OF CHURCH AND STATE IN AMERICA

By Charles Clayton Morrison

I AM to discuss one of the fundamental principles of our American form of government—the separation of church and state. There are four ways in which the church may be related to the state. The church may be *above* the state, or *below* the state, or *in alliance* with the state, or *side by side* with the state in a free society. First, then, the church may be above the state. This is the Roman Catholic theory. That church claims itself to be a super-national state. Second, the church may be below the state, subordinate to it, serving the state, conforming its teaching to the ideology of the state and sanctifying the actions and authority of the state. This is totalitarianism. Third, the church may be organically allied with the state, so that the state provides for its support by taxation. This is the theory of the established or state church.

The fourth way in which church and state may be related is the American way. Here church and state exist side by side, but completely separate and independent, in a free society. This arrangement is peculiarly congenial to democracy. The Constitution of the United States forbids any legislation respecting the establishment of religion or any interference with the free exercise thereof. Let us take a good look at this great document.

The Constitution

The Constitution does two fundamental things. It sets up an order of government, and it sets forth and guarantees a domain of freedom. The main principle which the order of government is designed to embody is the doctrine that all just powers of government are derived from the consent of the governed. This is political democracy. The whole structure of the Constitution, as originally submitted to the thirteen states, rested upon the theory that the powers with which it clothed the government were granted to it by the people, and that only such powers could be exercised by the government as were specifically provided for in the text of the Constitution.

To the members of the constitutional convention this seemed sufficient. But their document was no sooner released and submitted to the several states for ratification than a feeling of anxiety spread among the people. This Constitution, they reflected, only provides a form of government. There should be a definite statement that all powers not specifically granted are reserved to the people. Not only so, but the Constitution should specify certain basic rights of free men and free society which the government may not invade.

The first act of the first Congress was to amend the Constitution so as to set forth these basic freedoms. The first amendment forbids Congress

to make any law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging freedom of speech, or of the press, or the right of assembly or of petition.

The American people were determined that their new state should not be a totalitarian state. True, they did not have the word, "totalitarian," but they very clearly had that idea when they insisted upon a bill of rights. They were determined to keep outside the scope of government the whole cultural domain—the domain of belief, of conscience, of speech, of publication, of scientific research, of assembly, of worship, together with the institutions which embodied these liberties. They drew a circle around government, and proclaimed that the entire area outside that circle was a realm of freedom—free action, free opinion, free inquiry, free discussion, free persuasion, free decision, free education. Religion was specifically named as lying outside the government's jurisdiction. The American state thus became the guarantor of a free pulpit, a free altar and a free church.

The state guarantees this freedom by completely separating its own function as government from the institutional functioning of the church. With religious freedom it will not interfere. It will not establish any religion as the religion of the state. It will not grant special favor or privilege to any religion. Nor will it put any religion under the ban of government. And it will not allow the official processes of government to be meshed or interlocked with the official processes of any church. The theory of our democracy thus completely separates the functions of political government from the functions of organized religion. This is religious liberty.

What then do we mean by separation of church and state? Let us be clear in our use of words. We do not mean separation of religion and the state, nor separation of religion and politics, nor yet separation of the church and politics. We mean separation of *church* and *state*—a concept wholly different from any of those just mentioned. The church is the organized institution of religion, just as the state is the organized institution of political life. It is these two institutions which must be kept separate, according to our constitution and our American tradition. But it is a separation which still leaves room for moral and spiritual interaction and responsiveness. In what respect, then, are these institutions to be kept separate? The answer is that they are to be kept separate—completely separate—in their official or institutional functioning. The official functioning of the state must be kept separate from the official functioning of the church. There must be no entanglement of their respective processes by law or by the administration of law. Look again at the Constitution, this time more sharply.

The Constitution does not merely forbid an *establishment* of religion; it forbids the making of "any law *respecting* the establishment of religion"—that is, pointing in the direction of such establishment, or carrying implications that might develop into such establishment. Any law, or any official act in the administration of law, which tends toward the establishment of religion, or recognizes a particular religious organization as having a claim to a special relationship to the state, is a violation of the constitutional prohibition *respecting* the establishment of religion, and a violation of the constitutional guarantee of full religious liberty. It is obvious that if one

church is given special privilege or recognition by the state, the religious liberty of all other churches is thereby prejudiced and curtailed.

This severance of the processes of organized religion from the official processes of the state is sometimes described by the formula, "a free church in a free state." But this is an inaccurate and dangerous formula. In the American system, the church is not "in" the state. So to conceive it is to go over bag and baggage to totalitarianism. In totalitarian countries the church is indeed *in* the state, for the state embraces the whole social order. But in America the state does not embrace the whole social order. The American state is not totalitarian. It leaves the whole broad area of cultural and social life outside the jurisdiction of the state. The state may not invade this area. Society keeps its own freedom and has granted only certain powers to the state. The true conception of the relation of church and state in America is that of a free church *side by side* with a free state, both of them *in* a free society.

When our founding fathers committed this country to this great democratic ideal they did so as a consummate act of faith—faith in the patriotic loyalty of their descendants. Has their faith been justified? How has this principle fared in actual practice—this principle of a free church side by side with a free state, both equally independent, in a free society? We may say that, by and large, it has fared well, and that both church and state have kept the faith. There are, however, certain points at which we must recognize that the principle is being violated or imperiled. Some are less important than others; but none is unimportant if the principle of separation of church and state is flouted or compromised. I wish to discuss only two of them: one in the field of diplomacy, the other in the field of education.

The Field of Diplomacy

A clear instance of the violation of the separation of church and state has arisen in the field of diplomacy. This was the appointment by the late President Roosevelt of an ambassador to the Pope as head of the Roman Catholic Church. This action aroused a storm of protest from Protestant and non-Catholic citizens generally, at the time it was taken. But in the overwhelming preoccupation of our people with the war, the opposition subsided. After the death of Mr. Roosevelt, it was hoped that this illegal relationship would be allowed quietly to lapse. However, President Truman recently reappointed Mr. Myron C. Taylor, Mr. Roosevelt's so-called "personal" ambassador, this time as "the President's" ambassador. The issue, thus aggravated, again confronts the American people. The government of the United States has had, for seven years, an official connection with the Roman Catholic Church in violation both of the spirit and letter of the Constitution.

Protests are arising from all Protestant denominations and from citizens connected with no denomination. A delegation sponsored by the Federal Council of Churches waited upon President Truman about a year ago and asked that Mr. Taylor be recalled and the embassy discontinued. President Truman gave assurances that the embassy would be discontinued when the peace treaties are signed, if not before that date. This promise must be taken in good faith. But the President is under tremendous pressure from

the Catholic hierarchy which has long sought and lobbied for the recognition of the Holy See by our government. It is highly important, therefore, that the President's promise be supported by a constant and vigilant public opinion until it is actually fulfilled. For this reason, the issue should be discussed in every part of the country, by citizens generally and in particular by all churches which recognize the effect, not only upon themselves, but upon our constitutional freedom, of the privileged position in which this liaison between our government and the Vatican places the Roman Catholic Church.

The appointment of Mr. Taylor was coupled with the statement that he was the "personal representative" of the President. There are those who condone the appointment on this ground. The President, it is said, only exercised the right he unquestionably possesses to send a personal representative upon any mission which he deems proper and necessary. That right, let me say, no one questions. It is within the scope of the President's authority to send a personal representative to the Pope, or to the Archbishop of Canterbury, or to a Methodist conference, or to the Mufti of Islam, or to the Federal Council of Churches or to the International Convention of the Disciples of Christ. Such a representative would be heartily welcomed here. The message which he brought would be received with great respect and he would be made the bearer of a gracious reply from us. Such an action would represent precisely the kind of relationship which the churches desire to share between themselves and their government. At no point would it violate the principle of separation of church and state.

But the status accorded Mr. Taylor at the Vatican does not represent that kind of relationship. The claim that it does is sharply contradicted by the facts. Let us swiftly glance at the facts.

1. The President commissioned Mr. Taylor to the Vatican with the rank of ambassador.

2. He was instructed to report, not to the President, but to "this Government."

3. According to the explicit statement of the White House, made at the time of the appointment, Mr. Taylor was accredited to the Pope as the head of the Roman Catholic *Church*, not as the head of the political state of Vatican City, though this distinction would have been purely fictional.

4. He was received by the Pope as an ambassador, in a ceremony marked by more than the usual pomp associated with the reception of new ambassadors, and for the first time in history the ceremony was filmed so that it might be widely publicized.

5. Mr. Taylor is officially listed in the Pontifical Directory as an ambassador with other ambassadors.

6. Vatican authorities declared at the time that his status was different in no juridical respect from that of other ambassadors, and that its continuance could automatically survive Mr. Roosevelt's term as President.

7. Mr. Taylor was hailed by the Pope as the "first ambassador of the provisional (American) embassy."

8. An embassy was set up in Rome with a "secretary of the embassy," so that it could function even when Mr. Taylor was not present at the Vatican.

9. The Vatican newspaper, *Osservatore Romano*, together with the hierarchy and the Catholic press in this country, and the Pope himself, with one voice hailed Mr. Taylor's appointment as the "culmination" of years of effort for diplomatic relations between the government of the United States and the Vatican.

10. Mr. Taylor performed with great punctiliousness all the formalities imposed by official protocol upon a new ambassador.

11. Finally, Mr. Taylor, in a recently published *Biographical Encyclopedia*, describes himself thus: "Taylor, Myron C., Ambassador to the Vatican," this without any qualification and without even mentioning the "personal representative" characterization which the President initially coupled with the ambassadorial appointment.

These facts put Mr. Taylor's status as "American ambassador to the Vatican" beyond any question. He was appointed as an ambassador. He was received as an ambassador. He acts as an ambassador, and describes himself as an ambassador. The United States therefore now has formal, official diplomatic relations with the Roman Catholic Church. That this was accomplished without the advice and consent of the Senate only adds flagrancy to the fact that it exists.

Why should anybody be exercised over this issue? Why should American citizens care? Why, especially, do Protestants care? There are those who would regard the appointment even of a regular and undisguised ambassadorship to the Vatican with complacency. Why, after all, they ask, should we not have an ambassador there? The Pope is a great personage, the head of a great church whose adherents and interests extend into every land, including our own, where their number is some twenty-three million and their property holdings are enormous. He is the custodian of vast power, both spiritual and political. Why should not a great national state like ours have formal diplomatic relations with him and his great church?

The answer is that such relations are contrary to the American Constitution in that they create an official relationship between the government of the United States and a particular church. In the ambassadorship to the Vatican *the official processes of the American state are interlocked with the official processes of the Roman Catholic Church*. This is an unconstitutional relationship. It is an action *respecting* the establishment of a particular religion. That is, it pertains to, or tends toward, such an establishment. The Roman Catholic Church is thereby given a position in the American state, a special access to the ear of the state, a power or influence over the state, and therefore over the cultural life of the nation, which no other church enjoys. This is a discriminatory curtailment of the full religious liberty of all other churches. Religious liberty is impaired and curtailed, because all other forms of religion are compelled to pursue their work in the shadow, and against the prejudice, created by the special privilege and the official prestige enjoyed by this particular religious institution.

The purpose of the Constitution, in severing organized religion from the official processes of the state, was to set all forms of religion free. It intended to stand all religions on their own feet, to let them flourish or perish in accordance with their own inherent strength or weakness, unaided by political or other legal supports. No religion was to be established—actually or potentially. No religion was to be favored by the state. None, on the other hand, was to be hindered. None was to receive special privilege or recognition. In no case were the official processes of the state to be interlocked with the official processes of any church.

By the presence of an American ambassador at the Vatican the diplomatic processes of our government are interlocked with the diplomatic processes of the Roman Catholic Church. This is a direct and explicit violation of the separation of church and state. In principle, and in fact, it constitutes an actual *union* at that particular point of the government of the United States with the government of the Roman Catholic Church. It is, of course, not a complete union, but that is no reason why it should not be opposed. On the contrary, it is the very reason why it should be opposed with all the vigor which an enlightened and vigilant democracy can command. Were the union complete, opposition would be futile.

The Field of Education

Let us turn now to the field of education where the principle of separation of church and state is also imperiled. Many of us have grown so accustomed to our system of public education that we have forgotten on what basis it rests. The American public school is more than a privilege granted to American citizens and their children. It is the expression of a public policy, and for the implementation of this policy all citizens are taxed. Upon what basis does this policy rest? It is derived from the nature of democracy itself. The fathers, after establishing a democratic government came to see that the maintenance of a government whose powers were derived from the consent of the governed required an educated citizenship. To assure such a citizenship, they established our system of free education at public expense. To meet this expense all citizens are taxed. They are not taxed in proportion to the benefits they receive from the system, nor yet is their tax cancelled in the case of those whose choice of private schools leaves the benefits of the public schools unappropriated. Bachelors and spinsters and married couples without children are taxed equally with those who have children. Parents whose children have been educated and grown up continue to pay school taxes precisely as they did when their children were in school. Public education, I say, is a public policy, not a private privilege, and it derives its support from the entire public.

But the domain of freedom is not invaded. Private schools under church or other auspices are permitted to exist side by side with public schools. These private or church schools derive their support, not from the public treasury, but from those who patronize them and those who have a religious, an educational or even a commercial motive for maintaining them. Their fostering and operation are purely voluntary. The public school is available—it is open to all. But there are those who, for various reasons, prefer another kind of school. The state allows them this privilege. But

the state cannot support them, or give aid to them, or in any wise divert tax money or tax supported services to them without sharing in the private or sectarian purposes which such schools are designed to foster. It should be obvious that, if the state allows church schools to have access to the public treasury, it thereby establishes an interlocking relation between the state and a particular church. It diverts public funds, derived from taxation, to the fostering of a particular religion, which is a violation of the first amendment.

The Roman Catholic church has developed in America a formidable system of education for its own children and youth. Up to date, it has supported this system by its own resources. It has its own reasons for assuming so great a burden in preference to sending its children to the public schools. Admittedly, it is a heavy burden for the church to carry, and it would be a great relief to the church should the public take it over. But it is obvious that this can be done only by violating the Constitution and perverting the democratic principle. Nevertheless the hierarchy of the Roman church is determined to bring this about.

The time has not yet come for the hierarchy openly and aggressively to press for the full realization of its ultimate aim. But its aim is clearly disclosed in the writings of outstanding representatives of the church. The honest and simple truth is that the Roman church wants something that no other church wants, something that is radically incompatible with the American Constitution, something that would give that particular church a highly privileged position in relation to the American state. What is it that the church wants?

The Roman church wants to shift to the public treasury the entire burden of financing its parochial schools while the hierarchy retains absolute control of the educational process in them. It has in mind a specific plan for the realization of this aim: It wants public school tax funds to be diverted to the church in an amount determined by the number of children in parochial schools proportional to the number of children in the public schools. Thus the church would be relieved of the financial burden of its entire parochial school system. Its teachers would then be paid with tax money. Its school real estate would then be bought with tax money. Its school buildings would then be constructed and maintained with tax money. The whole administration of its church controlled educational system would then be supported with tax money.

How does the church go about to achieve this ultimate purpose? Shrewdly, from its point of view, it does not flaunt its ultimate aim, nor does it make a frontal attack upon the Constitution. The hierarchy knows that a bold and honest presentation of its purpose would meet with overwhelming defeat by the people and in the courts. Such a bold raid on the public treasury and such overt defiance of the Constitution would evoke a religious war in this country to the irreparable damage of the prestige of the Roman Catholic church.

This the hierarchy knows full well. So the church adopts a subtler strategy—a strategy of gradualism. It seeks to crack the constitutional principle of separation of church and state at some point where the average

citizen will not discern that it is being cracked. And with equal shrewdness, the church selects certain points where the constitutional principle can be obscured by a sentimental or humanitarian appeal. If the principle is once breached here, at these trivial points, where sentimentalism can be brought into play, it will open the way to a sequence of further encroachments, leading eventually to the complete breakdown of the wall of separation between church and state, and thereby to the achievement of the total aim the church has in view.

It is a startling fact that, while Protestantism was asleep, the Roman church has been making well nigh incredible progress in the line of this strategy. Some of you will be surprised to learn that the church has already secured legislation in eighteen states of the union empowering local school authorities to use public school tax money to provide free textbooks and bus transportation for the pupils of parochial schools. It has won decisions from the federal Supreme Court approving both of these misappropriations of public school tax funds. To the average citizen, these measures seem too trivial to get excited about. He will think of them sentimentally as humane and kindly provisions for the welfare of the children. This is precisely the way in which the Roman hierarchy wishes him to regard them. It does not wish him to discern the crack in the Constitution which the church may now proceed to widen until the principle of separation of church and state is completely shattered.

But the fact that these measures found approval by a recent five to four decision of the Supreme Court should now open the eyes of all American minded citizens, and especially of all Protestant citizens, to the portentous implications wrapped up in these relatively trivial measures. If we are to understand these implications we must view the court's decision from the standpoint of the ultimate purpose of the Roman church to shift the total support of its church controlled educational system upon the public treasury. These are but the initial steps in a long range strategy.

Mr. Justice Rutledge, who wrote the minority opinion of the four dissenting justices, saw this clearly as the effect of the majority decision, and he came close to imputing that purpose to the church as a deliberate strategy. "This is not just a little case over bus fares," he said. "Distant as it may be in its present form from a complete establishment of religion, it differs only in degree, and is the first step in that direction." Elsewhere in his statement he called it the "second breach" in the wall between church and state. The first breach was the court's decision in 1930 upholding the use of tax funds for the purchase of textbooks for children in parochial schools. "That a third and a fourth breach and still others will be attempted, we may be sure," said the dissenting justices.

I do not believe that the American people will accept this Supreme Court decision as final. Certainly the Protestant citizenship of the country will not so regard it. But the Protestant churches have themselves to blame for this untoward and unAmerican development. We were asleep! In all but one of the eighteen states which enacted legislation similar to that in New Jersey the Protestant population is in a great majority. This Protestant majority is supplemented by great numbers of other citizens who cherish the religious liberty guaranteed by the Constitution. But this great body of the electorate

has allowed a church representing only one-sixth of the country's population to make a first and now a second breach in the wall of separation between church and state. We have allowed it to happen because we were inattentive to the thing that was happening before our eyes.

Federal Subsidy to Church Schools

But, unless Protestantism is aroused, something else is going to happen more portentous than bus transportation and free textbooks for parochial schools. The Roman Church is already going out for bigger game. Emboldened by its recent successes and backed by two Supreme Court decisions, the church is now demanding financial aid for its schools *from the federal government itself*. For a number of years Congress has had before it a proposal to grant several hundred million dollars a year to aid education, especially in those states whose economic resources are insufficient to provide adequate education for their children. Action on this proposal has been held up by the pressure of the Roman church which demands that any such federal appropriation shall be divided between its parochial schools and the public schools in an amount proportional to the number of pupils in each group.

Thus far, Congress has withstood this demand. But under Catholic pressure, it now shows signs of weakening. Two bills have been introduced, one of which (the Aiken bill) completely yields to the maximum demands of the Catholic church, while the other (the Taft bill) undertakes to avoid the issue by providing that the federal appropriation may be distributed by each state in accordance with that state's own statutes. The Taft bill, if passed, will have effects hardly less ominous than the Aiken bill. It plays directly into the policy of the church which has already secured favorable legislation in the 18 states referred to. Its passage by Congress would mark an incomparably more significant victory for the Catholic hierarchy than the Supreme Court's approval of bus transportation and free textbooks. It would stimulate and facilitate the church's campaign in those 18 states to widen the initial legislation already enacted and to secure similar or broader legislation in all other states.

Congress has now adjourned without taking up either of these bills. It is hardly likely that the Aiken bill can be passed at this stage. But there is grave danger that the Taft bill will be passed when Congress reconvenes in January. And if the Taft bill, which provides no limitation upon the states in their distribution of this large appropriation—if the Taft bill is passed, the way will be open for the passing of the Aiken bill or its equivalent in the not distant future.

It is of the greatest importance that Protestantism shall envisage the consequences of such a federal subsidy to the Roman church. Stop for a moment and consider the situation that will then exist. The Roman church is now withdrawing its children from the public schools as rapidly as it is able to finance its own schools. So far, only a fraction of the Catholic child population is in Catholic schools. If the Aiken bill is enacted into law the church will be able to withdraw all children of Catholic parents from the public school. This it would unquestionably do.

For the Catholic church to receive federal tax funds to be used in support of its parochial schools would spell the end of our public school system as it has been established, fostered and protected for more than a century. To divide a federal appropriation between public schools and church schools would divide American society itself into sectarian political camps; it would intensify sectarian intolerance and would thrust a religious issue into the political arena from which our Constitution was designed to exclude it.

Moreover, in sheer self-defense, Protestant churches, either unitedly or by separate denominations, would probably be constrained to set up parochial schools of their own. Some of the denominations might even be tempted, following the Roman Catholic example, to avail themselves of the federal money for this purpose. America would then present the deplorable picture of three or more school systems existing side by side—a Roman Catholic system, a Protestant system and a public school system. The public school system would be greatly depleted by the withdrawal of children into the church schools. This would mark nothing less than a fatal breach in the cultural foundations of our democracy. It was to obviate such a cultural fission in the very structure of the American state that the fathers of the Constitution forbade any form of legislation "*respecting the establishment of religion.*"

We have at our door in the little Ohio city of North College Hill, a suburb of Cincinnati, a spectacle of the dissension, the neighborly embitterment and the educational chaos that will ensue on a national scale when tax funds are entangled with religion and used for a church-dominated education. For an account of this preview of an America divided by yielding to the Roman Catholic demands for support of its schools, I refer you to two articles by Harold E. Fey in recent issues of *The Christian Century*.

Protestantism and Religious Liberty

It is the duty of Protestantism to lift high the banner to which all lovers of religious liberty may now repair. For Protestantism has the largest stake in keeping open this forum of freedom, even as it was the spirit of American Protestantism which established it. The principle of a free church side by side with a free state, both of them existing in a free society, emerged in an America in which the influence of Protestantism was overwhelmingly preponderant. At the time the Constitution was adopted the population of this country was about 4,000,000 and the Catholic population only 30,000. Through the intervening years, the Roman church has patiently held in abeyance its own radically different conception of the relation of church and state. As a minority church, it could not make an effective claim for a special relation with the state. It was content with, and no doubt grateful for, the freedom and equality which, through the Protestant majority, the state accorded to all forms of religion.

But the situation has changed. Though still a minority as compared with the whole of Protestantism, Catholicism has become a strong and formidable minority. It is now asserting its claim, long held in abeyance, for a privileged recognition. It will not long be content with the half-loaf of an illegal ambassadorial appointment by the President. Influential voices are already asking for the whole loaf—that is, a full, undisguised legal exchange

of diplomatic representatives with the Vatican. And it will not be content with the two crumbs it has now gained in the form of tax money for textbooks and bus transportation. It will soon be asking for the whole loaf of complete tax support for its parochial schools.

Protestants cannot, without resistance, allow the government of the United States to yield to this claim, nor allow the claims already conceded to become permanent. To do so is to consent to the curbing of the liberty of all non-Roman faiths. If Protestantism passively tolerates any compromise of the principle of the equality of all religious faiths before the American state, it seals its own destiny. It dooms itself to become, in the end, a minority sect existing on the margins of American life. The main stream of our culture will flow in the channel determined for it by the particular religious faith which has entrenched itself in the favor and prestige of the government.

What I have said to you tonight cannot justly be construed as an attack upon the Roman Catholic Church or as motivated in the slightest degree by an anti-Catholic animus. The subject could not be discussed without reference to that church which holds, advocates and acts upon a theory of the relation of church and state radically different from that set forth in the American Constitution. To recognize this indisputable fact is the duty of every patriotic citizen. Instead of being an attack upon the Roman church, my remarks are intended, on your behalf, as a solemn warning to the governmental agencies of the United States that, in conniving with that church to break through the constitutional wall which the fathers erected between church and state, they are playing with fire. My remarks are directly aimed at those agencies of government which have allowed this wall to be breached. Every local school board in the nation, every state legislature, the American Congress, the Federal Supreme Court and the White House itself must be put on notice that Protestantism has become alert to the current violations of the Constitution with respect to religious liberty.

These agencies of government, not the Roman church, are the target at which our protest is aimed. It is intended to tell these law-making and law-administering agencies that these encroachments upon the Constitution must stop; that Protestant churches and citizens unitedly demand that they be stopped; that all state legislation approving them be repealed; that the decisions of the Supreme Court upholding them be reversed and that the President of the United States faithfully keep his promise to discontinue the illegal relationship created by the appointment of an ambassador to the head of the Roman church.

I have spoken earnestly because I believe the situation we now confront is gravely critical. I have spoken as a Protestant, but I am not among those who close their minds or their fellowship against Roman Catholics. I wish to be counted as an enemy of every form of anti-Catholic fanaticism. If you reflect upon what I have said tonight I ask you to note carefully that not one word has been uttered in opposition to the Roman Catholic faith—its worship, its doctrines, its ecclesiastical organization, or its right to exist and freely to propagate its faith in America. I wish for the Roman church the same enjoyment of religious liberty that I claim for Protestantism. If, in the exercise of this liberty, Catholicism can win America, it will deserve to win it. But as Protestants, we are bound to resist every attempt of the Roman

Catholic Church or any other church, including any Protestant church, to achieve a position of advantage in the open domain of our free society by securing an interlocking relationship with the processes of the state through an official connection with the government or a financial connection with the public treasury.

No protest can be made if American culture finally comes under the dominance of the Catholic faith—*provided* it does so as the result of a spiritual and moral competition in the forum of freedom where the rules are tolerance, persuasion, argument and example. But no Protestant, no Jew, no democratically minded American can envisage with complacency a transformation of American society and American institutions achieved as the result of special privilege and favor granted by a state which has been pledged by the Constitution to keep the domain of religious freedom open to all comers. The state itself must not destroy this freedom. Yet it can destroy it, and it can poison the spirit of it by equipping any church with the trappings of an official political status or by appropriating for its benefit any of the funds raised by taxation for public education.

In this open forum of religious liberty, I say, let every church stand upon its own feet! Let it flourish or perish in the spiritual and moral competition provided by our Constitution in this broad domain of freedom. Let every church support itself by its own resources through the voluntary gifts of its members, or, if it has no higher standard of Christian morality, let it resort to bingo games and other gambling devices. But let it keep its hands out of the public treasury! This, Protestantism is willing to do. This, Roman Catholicism will not do willingly. But this, the Roman church, however unwillingly, must be made to do.



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